

LAKE COUNTY BOARD of ADJUSTMENT
January 10, 2018
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Frank Mutch, Steve Rosso, Mary Jensen, Don Patterson

STAFF PRESENT: Jacob Feistner, Tiffani Murphy, Lita Fonda, Wally Congdon

Frank Mutch called the meeting to order at 4:00 pm

Select 2018 Chair & Vice Chair (4:00 pm)

Motion made by Mary Jensen, and seconded by Steve Rosso, to reappoint Frank Mutch as chair and Don Patterson as vice chair. Motion carried, all in favor.

EAKIN CONDITIONAL USE—FINLEY POINT (4:02 pm)

Tiffani Murphy presented the staff report. (See attachments to minutes in the January 2018 meeting file for staff report.)

Steve referred to discussion of the greenhouse and its construction. The temporary dwelling was needed to prepare the permanent dwelling. Tiffani said [they needed to prepare] the inside of the permanent dwelling, which didn't require a zoning conformance permit. Steve pointed out this wasn't tied to the greenhouse. Tiffani said the greenhouse would also be during this time period. Steve said success for the applicants depended on getting the permanent dwelling (the single-wide) ready as a dwelling at the end of the 2 years and no longer use the temporary dwelling. The status of the greenhouse didn't have to do with that. Tiffani agreed.

Steve said if the single-wide was [considered] a conditional use and it was there before the zoning, it would be grandfathered as long as it was continually used as a dwelling. If it didn't get used as a dwelling for a period of time, it lost its grandfathered status. Did these people have to get a conditional use for the single-wide in order to remodel it? Did the level of remodeling done to the single-wide fit into the issue of something being destroyed to the degree where it could still be rebuilt? Tiffani said her understanding was that the percent destroyed applied to the outside of the structure. They weren't changing the outside or the footprint. Jacob referred to a discussion of a structure with more than 60% of the floor area being considered destroyed and needing removal or new approval granted. The other thing that played in for existing nonconforming uses was if the use ceased for more than 18 months. They didn't feel that more than 60% had been destroyed and couldn't establish that it hadn't been used for the last 18 months. Steve asked about the discussion that the property may have been vacant for 13 years. Tiffani said they couldn't confirm those comments based on evidence.

Frank referred to the regulations, substantial damage and the cost of restoration being equal to or exceeding 50% of the market value of the structure before the damage

occurred. The occupancy, the restoration and what it was used for were important issues here. It was pretty fuzzy.

Jacob confirmed for Steve that the staff determination was they would not need to get an additional conditional use for the single-wide. Frank asked where single-wides were considered nonconforming in the regulations. Tiffani explained it was considered nonconforming because a single-wide would need a conditional use if it were moved on today. This one was placed prior to zoning.

Frank said the timeframe and sequence seemed to be important. Maybe the single-wide was abandoned or used for storage. The temporary RV/ motor home might have been used for storage, not occupancy, for a certain amount of time. How long, where and how did anyone live there? It seemed like some living went on [on the property] but he didn't know where they stayed. When did the RV convert from storage to occupancy? If the RV had been occupied, did that amount of time affect when the 2-year clock started? If the single-wide wasn't in livable condition and the RV was storage, where did they live? Were the utilities connected to something? Were there other sanitation facilities? Tiffani clarified that a septic system approved by Lake County was in functional use. The single-wide was hooked up to it. The RV was not. It had a holding tank. Water went to the single-wide. Three properties shared the well. Frank favored neatness. Some of that was subjective. Was that covered by regulation? Jacob said there wasn't a specific regulation. They considered the purpose of the zoning and took that into consideration when they wrote that. Frank thought if you got to a public health issue, something else such as sanitation kicked in. Jacob said it talked about protecting and enhancing property values, amenities, the natural environment and so on, and they tied that to the purpose of the zoning.

Mary asked when the last time was that someone lived here, when they were moving back in and how long it would take to make it habitable. Jacob suggested the applicants might clarify that. Frank asked if it was appropriate to include the time already used in the 2-year timeframe. Jacob thought the Board could set that beginning date as they felt appropriate. Staff recommended the date of the approval letter. If the Board felt differently, they could change that.

The applicants, Cindy Khongwiset and Linda Eakin, spoke. Linda said she owned the property since 1988. The septic tank was for a 4-bedroom house. Cindi said the maximum that they'd been away was 2 years. Other than that, they were up about every 6 to 8 months, to maintain the place and septic. It was also occupied during that time by Chris Tingle's friends for a couple of years. When they returned in 2010, they had to kick people off the property again. Someone had been squatting in the back room so the trailer had been used then as well as when they came back and were constantly checking on the place, due to problems with theft and trashing on the property. They were trying to clean the property up. They snowbirded last winter and arrived this spring. They had been living here for over 4 years prior to that. They avoided the neighbors and most the time were not seen by the neighbors because of threats. She described difficulties with the neighbors. They originally came back to tear off the kitchen and extension and seal

the trailer off and make it livable. She described damage to the house. Her brother was the other owner. Frank focused on the zoning regulations. Cindi further described the disrepair of the trailer and portions that were intact. Linda interjected this included the bathrooms. Cindi continued that their intention of the summer had been to continue repairs on the trailer and leave before winter. Linda said her son was [originally] to take the RV away in November.

Frank asked what percentage of cost was for the restoration. Cindi estimated 25% of the house needed restoration. They restored the back part already. That was where they stayed. It had a bathroom, kitchen and bedroom. It wasn't completely fixed for winterizing. Frank confirmed with the applicants that 25% included what they'd already done.

Mary asked for clarification on the kitchen that was taken off. Cindi said that was the original plan but they were just restoring it now. The walls were intact and there were just problems with the roof over the kitchen. Mary said that didn't sound habitable. Cindi said that was why they weren't habitating in the kitchen. They relocated and used the back of the trailer.

Frank asked if they had information to add that was pertinent to this specific request. Cindi said they had the well agreement with them but it was completely in breach so they didn't give it as evidence because it was part of ongoing litigation. They also had their certificate of water right. Frank suggested that documents could be given to Planning. Cindi said they had come back and taken care of the property. They had photos and financial records. It had never been abandoned. The electricity had been on for 30 years. Her brother, his friends and their kids had vacationed there. She talked about constant problems with the neighbors. Frank questioned Cindi about the agreement, easement and maintenance pertaining to the well, which she described.

Mary checked with Cindi that the existing easement on attachment 3 was a road easement to another piece of property—they didn't have a driveway. She also checked about the tank house, which Cindi clarified was where their private water tanks used to be stored. The well was next to that, about 5 feet away. The Board members looked at various locations and features on the map and pictures with Cindi.

Steve confirmed with Cindi that the RV was operable. He checked it could be moved if the holding tank needed to be emptied. Cindi and Linda said they hadn't been using it. They used the septic in the house. Linda added they used the RV for storage. Cindi said they were using it for storage when this [issue] came about. They approached Planning and were told it didn't matter if it was storage with an electrical connection or whether they stayed in it or not, so they thought they could sleep in it some of the time. Frank checked that they had an RV port so they could dump on site. Steve reminded that had to be approved by Environmental Health.

Steve asked if the applicants understood the earlier comments that this was a temporary dwelling while they made their permanent dwelling habitable. Cindi clarified that the

dwelling was habitable but not for these [winter] temperatures. They hadn't intended to be here through the winter.

Frank said they'd lived some in the RV and some in the single-wide, as far as a timeline for when they'd lived in the RV. Cindi said it was there for storage and an office. It was heated storage for the electronics. Linda said her son brought it up in August as a surprise. Frank asked how long they thought it would take to finish the renovations of the single-wide. Linda answered they hoped to have it done this summer. They would also plant trees, do hedges and beautify it.

Frank asked if the priority was the greenhouse or the single-wide. Linda answered the single-wide. Cindi said the little greenhouse came first but the main greenhouse in this plan was after the trailer. Mary asked how the plants in the greenhouse would be watered if they weren't here [in the winter]. Linda said they were here to stay. Cindi said if they were able to leave next winter, she would make sure the plants were planted in the ground.

Frank asked why there was a site visit before the application date. Cindi said that was due to neighbor complaints.

Tiffani clarified that the other owner lived out of state.

Public comment opened:

Ric Smith wasn't a neighbor. He lived down the road. He was on the Planning Board when zoning was initiated in Lake County and Finley Point was the only place where the residents strongly supported zoning. He thought the property values there reflected that. He opposed this [proposal]. It was really a mess. Rather than a conditional use, he thought this was a variance at best, as a real estate broker. He'd brokered properties in this neighborhood for about 10 years. That trailer had always been an eyesore and looked abandoned and had an impact on the marketability of the adjoining properties. Maybe people had been there off and on. He hadn't seen signs of it being lived in. The letter he saw referenced a temporary dwelling while a greenhouse was constructed. He'd just learned today it was a temporary dwelling while a single-wide was repaired. He thought the application or the letter was incorrect. It had nothing to do with the greenhouse. It had to do with the single-wide. Regarding the replacement [value, he] hadn't been in the single-wide. Looking at it from the outside, he couldn't image the value in its apparent condition was more than a couple thousand dollars. He didn't think they could bring it up to a living standard for 60% or greater than that. There was an RV port. It wasn't clear if the RV hooked up to the septic system. He summarized that he was opposed, the community wanted strong zoning, this should be at best a variance, if reviewed as a conditional use he asked that the Board deny it. They had the zoning for a reason and shouldn't continually chip away at it.

Frank referred to a comment on pg. 23 of the zoning, which talked about restoring the structure to its condition before the damage would equal or exceed 50% of the market value of the structure before the damage occurred. He thought the value would be

figured as the original cost of the single-wide, which would probably be quite a bit of money. It would be hard to prove the repairs exceeded what the zoning called for. They didn't have the facts. Ric agreed. He thought that was why it shouldn't be approved.

Travis Swenson said he maintained roads and did snowplowing up there. He knew a few of the surrounding neighbors. He drove by this place for years. He saw it unlivable for years on end, including a tree on the roof for a year or two. He speculated on the condition of the building. It was a lot more information for the community to absorb since they were no longer just looking at a greenhouse, [in order] to make it legal why the RV was parked up there and lived in for a while.

Judith Bromley was a neighbor although not contiguous or a shared well participant. She'd known the neighbors for her 13 years here and had good relations with them. In her time here, she hadn't seen the trailer occupied. The first time she saw the applicant was in May. She thought approving a temporary dwelling would be a dreadful mistake. She hoped the Board had read her letter in opposition.

Emily Michalik was Judith Bromley's daughter. She used to work for Ric and Sarah Smith. She had been up in the subject area for nearly 20 years. She spoke against the application because she believed the Board of Adjustment existed to not just maintain zoning standards that were set into law but also to look out for the health, sanitation and safety of people living in the County. Her personal experience was that the trailer had never been habitable. She also saw the tree lying on the trailer for at least a year and didn't imagine it was habitable from the perspective of heat, basic shelter, freedom from mold, etcetera. The health and sanitation of the property was paramount, to the extent that the County had an obligation to the residents of that property as well the adjacent properties, and to the extent that the County was able to assess the septic to understand if it was usable and of current good condition for the use it was being put to. She didn't object to people living in a single-wide as long as it was habitable. Should the Board grant the application, she asked that they consider regular County inspections to make sure that improvements made for habitability were up to code and to basic standards of health, safety and sanitation. From the outside, she didn't think those were being met currently. Inspections of the property to understand feasibility of the application and if it was really being made for the purposes as stated were open questions.

Ann Page lived on South Finley Point Road. She was not a contiguous neighbor. She didn't feel the allegations about the neighbors should be taken into account since those people weren't here. Frank clarified that wasn't part of this application. They were looking at Finley Point zoning regulations and County regulations that would apply.

Judith B added that she thought the feasibility of living on that property during the winter wasn't a reasonable option. During her first winter here, she shared the same road that the applicants used here to access her property. In the first snowstorm, she slid all the way down the road. She put in a new road with a different access. The road was very dangerous. She didn't think it was in their own best interest to live there.

Wally Congdon mentioned when the comments were done, he would set straight some things on the legal issues for the record as part of what the rules were.

Frank checked for other public comment. He left it open for brief rebuttals and checked if the applicant wanted to add more or new information.

Cindi showed the Board photos on her cell phone of other trailers being used near her property and described the locations and owners. Nobody else had been asked for a permit or conditional use. They were being singled out. She showed one trailer alleged to be for storage that had a permanent porch on it from when the owner stayed there and regularly hauled water to it. It had no plumbing or septic. She didn't know where the effluent was dumped. The applicants had a fully functional septic system that they used in their trailer. They maintained it every time they came up. For the last four years, they'd been living here and had work records to that fact. They hid from threatening neighbors and tried to not have the neighbors know them as much as possible. They'd been working on the trailer in the meantime.

Frank asked for clarification about how many years the single-wide had been used as a residence versus just being stored there. Linda said it had been used as a residence and when they came back in 2010, they found lawn mowers and other things stored in their house, when they were going to live in it again. She and Cindi gave more detail. It had not been rented. They had allowed friends of the neighbors to stay there, who destroyed their property.

Frank checked for new information from the public.

Ric S described that his property had gone from one to three legal descriptions, and what was on each parcel. He had no idea where a single-wide attributed to his property was.

Emily M asked the Board to consider just the current application, regardless of who said what about how the single-wide got to be where it was or what was being requested in the original letter. She asked that the County look at the current situation as it stood on the ground with a single-wide, the RV, septic and water to make sure those basic systems were in place. If someone had the means and ability to bring something to habitability, they should be allowed to do that but not contrary to the health, safety and sanitation of the surrounding community.

Public comment closed.

Wally clarified for the record that this was not a UBC (Uniform Building Codes) county, which meant they didn't enforce the UBC code. They had nothing to do with the issue of habitability of individual houses, [inaudible] standards and building standards on individual houses. They could not touch them. They did not regulate them. They had no obligation to define what 'habitable' was because this was not a UBC jurisdiction.

Secondly, they did have a health and sanitation obligation. At this particular site, the big health and sanitation issue was the septic tank and drainfield. When the first inquiries came, they looked it up through [the Environmental Health Dept.] and there was a compliant, installed, permitted drainfield and septic system on these premises. It also had the [RV] port. [Environmental Health director] Diana Luke's condition in there about inspecting was probably a point well taken. The truth of the matter was that this was the biggest thing they had jurisdiction over and that question was addressed.

The well was a shared well, not a community water source or public water supply. Wally checked with the EPA on this question for the current time in this county. Because it was not a public water supply, the County had no jurisdiction, say or rule about what that was. The issue of health, safety and welfare was pretty much limited to the question of sanitation and the other was the issue of setback, etcetera, for fire protection, etcetera. He added rubbish. That was of concern for the neighborhood. Having looked at the pictures taken by the staff and having looked at the MT AutoCAD pictures, there were three tarped things on this site. There was no other rubbish on the site that was scattered or litter. If you look at pictures from prior years from the MT AutoCAD site, the premises looked as used as it did currently. The road was evident and not overgrown with weeds.

The mobile looked the way the mobile looked. It looked on the edge like older mobile homes were but the pictures reflected that the use of the mobile home predated the zoning. So it was legal and nonconforming. He looked up the issues from all the letters people sent. The question was if the site was there, what did it take to rebuild that type of structure, which was not built to UBC standards. It was built to HUD (Housing & Urban Development) standards. To restore it was cheaper and simpler than to rebuild a house that was built to a different standard. For the percentage values and what they were worth, he referred to a conversation with the Commissioners on this subject where Missoula County closed two mobile home parks in the last year with 86 pre-1986 homes. You now had those families that owned their house who were now basically homeless unless they qualified for an apartment building. He understood that it wasn't the perfect house, it didn't look ideal, and whatever, but it was there. Our rules didn't say it could be made to go away unless it was destroyed to a point where it wasn't repairable per the number they had. They saw no sign in the pictures that it hadn't been occupied. It was a continuous summer [inaudible] in that sense; it might have been 1 or 2 months a year. There were a lot of places at the lake that were that way. Within their rules, they had a parameter set for what they could consider. In a lot of the letters, there were nice arguments and statements but they were not relevant to the rules to consider.

Electrical appeared to have never been turned off. If they rewired, permitting was given by the State and the power company, not the County. No sign of an electrical permit existed. Evidently they weren't rewiring or rebuilding that part of the premises. If that was the case, [the County] had no health and welfare concern with it that they could express—that was required by the power company and the State electrical inspectors.

Those were the issues they had the ability to regulate and that was all they could do. He hoped that clarified what their parameters were.

Frank thought that reinforced where they were as a Board. They must confine their decision to the zoning and the application. The other items might be super important but not in the zoning.

Public Comment reopened:

Ric S thought he'd sold 3 parcels up there as a real estate broker over the past decade. He never saw a sign of life. He saw the tree on it. It appeared abandoned. He believed the application was incorrect. It said temporary dwelling while they constructed a greenhouse. The letter that the County sent out didn't mention that it was subject to rehabilitating the single-wide.

Tiffani said the single-wide wasn't in the letter because they couldn't permit for that [interior repair]. She said a conditional use was tied to a zoning conformance and the only zoning conformance was the greenhouse. Frank observed lots of remodeling went on that didn't require a permit. Jacob clarified [the applicants] were going to take on the construction of the greenhouse themselves with the help of the other landowner who lived out of state. When that other landowner came to help build the greenhouse, he would use the RV. This was the other understanding that staff had and was partially why they tied it to the greenhouse construction. Frank said use of a temporary residence during construction didn't say it was for the construction of another residence. That was an inference.

Travis S said the greenhouse situation looked like getting something legal on paper to make a reason to stay in a temporary dwelling. How many months had it been there already could be a concern. He didn't think they had much information on the greenhouse and listed questions pertaining to building plans. Frank reiterated there was no building code requirement. Travis asked how long it took to put in a greenhouse and questioned that it would take two years.

Frank said they were looking strictly at what the application was about. Building the greenhouse was a zoning conformance permit and [had to meet] those criteria. Additional information that they would remodel the single-wide was fine. He was going to remodel his kitchen but didn't need get a permit or inspection for that.

Steve thought it was important as another example of the way this worked. If you didn't follow the rules and regulations, your neighbors were the ones who would be aware of it and turn you in. If people wanted to have a community that worked right, everybody had the same kinds of objectives, a nice looking community, healthy land values and things like that, you had to get along with your neighbors. Another point was this zoning regulation that was worked on included a provision for people to have a temporary dwelling on their property. It could be done in one of two ways. It could be for 6 months at a time every year or they could have a temporary dwelling for two years while they were doing construction or if for some reason they needed it because the other dwelling wasn't inhabitable. Those were in the zoning regulations. Denying something that was

provided for was very hard for the Board to do. It appeared as though the applicants were meeting what was required to do that and make use of that allowable regulation.

Regarding condition #3, Steve was concerned about preventing the use of the temporary dwelling until the inspection occurred to make sure it was feasible to hook it up to the septic system. Mary agreed. Steve asked if there was a problem with the application having been made for the greenhouse. Was it really tied to the greenhouse? Could someone living in a fully inhabitable house apply for a temporary dwelling while they built a greenhouse? He was concerned that they weren't meeting the purpose of this in the zoning regulations. Jacob wished the zoning better explained its intent but it didn't so he didn't know what would prevent that. Steve said if this was tied to the greenhouse, they would have to say the applicants couldn't live in this dwelling until they submitted their plans and had them approved for the greenhouse. Frank pointed to a sketch of the greenhouse. Jacob said that what they needed to know about the greenhouse was its height, location and size. That could be done easily. What condition #3 talked about was the septic. They wanted that installed. The Board could reword that for before habitation if they wanted.

Frank suggested they *add a period after 'Health Department', delete 'prior to allowing', and then start a new sentence*. Jacob explained that those were Environmental Health's words. They wanted to inspect it before it was connected. After passing the inspection, it shall be connected. They could add that. Frank, Jacob and Steve gave the resulting last sentence: *The temporary dwelling must be connected to the existing wastewater treatment system prior to occupancy*.

Steve turned to condition #2 to discuss the construction period. Jacob explained they wanted to tie it to a date so it didn't get pushed out when the time period started. Steve suggested tying it to the construction period for renovation of the permanent dwelling. His concern was they would have problems with temporary dwellings that didn't have anything to do with [being] temporary because the permanent dwelling wasn't livable. The idea that people could get a temporary dwelling no matter what kind of construction they were doing on their property when their house was fine didn't make sense to him. He didn't think that was the intent of the zoning regulations for this or other zoning districts that allowed this. The idea was to allow a single-family dwelling and if that needed to be temporary while you built a permanent one, you could do that. The idea that any time you had construction on the property, you could move an RV in for two years raised concerns for him about establishing some sort of precedent. Jacob said one beneficial thing of the 2-year construction period was that it was not indefinite. The other option was they could do a seasonal basis forever. Steve added that they had to get the RV off for 6 months [for that option].

Frank checked with the applicants that they understood that if this was approved, the RV could not be used as a temporary dwelling beyond the 2-year period. They couldn't bring it in for 6 months and take it off anymore. It was a one-time deal.

Frank reflected that if you needed to have a relative come and help out with a construction project on something other than your house and your house wasn't big enough for them to stay in, that could happen. Steve thought they could also use the 6 months on and 6 months off with that kind of a deal. Jacob said the concern on that was it was for construction. It could be used forever even though the construction was over with. You could go both ways with it.

Steve asked if they needed to change #2. Don thought not. Mary thought it would need to stay. Frank asked if they talked about the construction being for the single-wide, which was a moot issue since they didn't have jurisdiction, didn't that change the application? That might confuse the issue. Jacob said either way, they could have it there for 2 years. He thought in 2 years, staff would follow up and make sure it wasn't being inhabited.

Cindi said they weren't trying to pull a fast one. It was a surprise that [the RV] drove up in the first place. They were going to be leaving for the winter and the RV was going to be going down south for the 6 month off basis. They didn't expect to have it here for 6 months. When they found out 6 months would be in the middle of February, it was the same time they received notice and found out they were stuck here. They didn't expect it to be here for two years. It was only going to be here as long as they absolutely needed it, which shouldn't even be a year.

Frank agreed with Steve that they saw a lot of cases here with non-zoning issues but just relationships with neighbors. He noted there had been a lot of public input and [public comment] had opened and closed a number of times. It was now closed.

Public comment closed.

Frank commented that the Board members had read the letters in the [staff] packet as well as the recent one.

Steve was concerned about tying this to the renovation of the single-wide. He suggested adding '*for renovation of the permanent dwelling*' to condition #2 on pg. 13 between '*construction period*' and '*, not*'. Mary asked if they should specify a little bit more and say 'single-wide'. Steve wasn't concerned about that. If they decided to haul it off and build a house instead, they could build a house. Mary agreed they could still have the time. Steve said the idea was that they could have a temporary dwelling while they were constructing a permanent dwelling. Then the temporary dwelling went away. This was in order to facilitate them coming up with a permanent dwelling.

Frank said they had 2 issues. One was zoning conformance, which was the greenhouse. That permit talked about a 1-year permit, with an additional year possible with a fee. Then they had the conditional use, which was 2 years for the temporary dwelling, which was primarily needed while the repair of the permanent dwelling was done. Tiffani said the conditional use gave them one year to comply with having the Environmental Health Dept. inspect it before staff would make them start this process over again before issuing

the zoning conformance. Frank said they had 2 years from the date of approval [for the temporary dwelling] if it was approved. Steve said the important part of #3 to him was the added sentence. What #3 said to him was that they were going to allow them to have a temporary dwelling but they couldn't use that temporary dwelling until they got their septic system inspected and it hooked up to the septic system. He didn't think they were going to wait a year to do that. He assumed they made this application because they needed to live in that temporary dwelling. Frank said they could live in the single-wide. Steve said you were allowed to park an RV on your property. You couldn't just live in it.

Jacob said they'd admitted to using both the RV and the mobile to stay in. Cindi said the RV didn't arrive until the middle of August. They were told that an electrical hookup constituted usage. The RV could not be out of electrical hookup with the systems that were on it unless [the County] was requiring by law that they completely destroy the RV and the computer systems on board. They'd slept in it and other things. The sanitation, toilet, bathroom, anything like that and most of the cooking were done in the single-wide, but it wasn't winterized.

Steve said that #3, to him, was this idea that they weren't to live in the temporary dwelling until they got it hooked up. They couldn't hook it up until the system was inspected. Jacob asked if they were staying in the house, and using that bathroom, could [the County] require them to hook the RV up for them to sleep in and use as an office for their electronics? Don said if you weren't going to use it, why were you going to hook it up? Jacob clarified if it was being used for anything other than just being stored on the property, then it needed a conditional use.

Steve and the applicants talked about the electrical hookup. Jacob said that was one of the things they looked for [that could constitute evidence of it being lived in]. Frank said the RV's he knew of needed to be hooked to power while being stored or else the batteries went down. Jacob reiterated it was one of the things they looked for. [The RV] was being used, not just stored. Whether it was for an office or being slept in, it was still human habitation and use. Frank thought the practical reality of sleeping in it in winter was the odds were you'd use some water on board and the facilities. You really didn't want to use the storage tanks much in the winter. Jacob observed the access was bad so they wouldn't be able to take it to town to dump it. Steve said it was hard for the County to police a situation with a temporary dwelling that had a bathroom in it where people just promised not to use it. Frank asked if they could stay in the single-wide until a bathroom was hooked up if that was put in here as a condition. Cindi said it depended on if they decided to wait until spring to try to freeze the applicants out, knowing that the single-wide was not properly winterized. Frank and Steve asked who 'they' were. Cindi said whoever was coming to inspect. Tiffani didn't know what type of weather conditions the Environmental Health Dept. would need to perform their inspection. Cindi noted the RV's holding tanks were currently frozen. That was why they hadn't used it. Steve thought the conditions they set on there were okay.

Frank said this was a challenging case. He hoped everybody in the room would see that within the confines of the zoning regulations, the application and the facts they'd uncovered, the Board's decision had to be based on that, not on other issues.

Frank began a motion that included zoning conformance. He restarted and restated the motion since a zoning conformance would be something dealt with by staff.

Motion made by Frank Mutch, and seconded by Don Patterson, to approve the conditional use application as recommended by the staff and subject to the terms, conditions and findings, including the changes in the conditions and terms that were made. Motion carried, all in favor.

MINUTES—Deferred per agenda.

OTHER BUSINESS (5:30 pm)

None.

Frank Mutch, chair, adjourned the meeting at 5:30 pm.